

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JOSEPH THOMPSON,

Plaintiff,

v.

CORIZON L.L.C, et al.

Defendants.

Case No.: 2:15-cv-04303-NKL

PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Plaintiff Joseph Thompson respectfully requests leave to file his Second Amended Complaint. In support of this Motion, Plaintiff states as follows:

1. While proceeding *pro se*, Plaintiff filed two Complaints naming several individuals, including employees of Corizon. Doc. # 1; Doc. # 11.

2. Mr. Thompson stated claims for deprivation of rights under 42 U.S.C. § 1983, Title II of the Americans with Disabilities Act, and the Rehabilitation Act. While Mr. Thompson's two *pro se* Complaints did not specifically identify Corizon L.L.C. or Corizon Health, Inc. as defendants, his second Complaint did include allegations of corporate liability under section 1983, including allegations that "Defendants" acted under a "policy" or "custom" of "knowingly, recklessly, or with gross negligence violating Plaintiff's constitutional rights." Doc. # 11 at 3.

3. Undersigned counsel seeks to *voluntarily dismiss* seven of the nine remaining individual defendants and to amend the Complaint to formally add Corizon L.L.C. and Corizon Health, Inc. ("Corizon") and a corresponding claim for Corizon's liability based on unconstitutional

policy, custom, and failure to supervise – which allegations and claim substantially relate back to the “policy” or “custom” allegations previously identified in Mr. Thompson’s *pro se* Complaint.

4. Counsel for Defendants has advised counsel for Mr. Thompson that they will oppose this request on the grounds of prejudice, claiming that Defendants do not have adequate time between now and the August 2019 trial setting to prepare a defense of the proposed amended claim against Corizon, given the need to prepare and depose a Corizon 30(b)(6) witness; Plaintiff’s expert, Dr. Hansen; and potentially other witnesses.

For the reasons stated herein, Plaintiff respectfully requests that the Court issue an Order granting Mr. Thompson leave to file his Second Amended Complaint.

Dated: June 26, 2019

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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